

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THEODORE HEINEMANN,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

NO. 2:11-cv-00002-MJP

ORDER GRANTING DEFENDANT  
UNITED AIRLINES' MOTION FOR  
VOLUNTARY DISMISSAL OF  
COUNTERCLAIM

This matter comes before the Court on Defendant United Airlines' Motion for Voluntary Dismissal of Counterclaim. The Court has reviewed and considered the filings and pleadings in this case, including the following:

1. Defendant United Airlines' Motion for Voluntary Dismissal of Counterclaim;
- and
2. Defendant United Airlines' reply.

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2 No response to the motion was filed by Plaintiff. Accordingly, the Court ORDERS that  
3 Defendant United Airlines' Motion for Voluntary Dismissal of Counterclaim is GRANTED in  
4 its entirety and in accordance with the following conditions and terms:

5 1. The voluntary dismissal of Defendant's counterclaim is without prejudice and  
6 without an award of fees or costs;

7 2. The voluntary dismissal of Defendant's counterclaim is conditioned on  
8 Defendant's right to renew its counterclaim if Plaintiff re-files his claims in any jurisdiction;

9 3. The voluntary dismissal of Defendant's counterclaim is conditioned on  
10 Defendant's right to renew its counterclaim if the Court's order granting summary judgment  
11 is reversed or modified;

12 4. The voluntary dismissal of Defendant's counterclaim shall not trigger the two-  
13 dismissal rule of Fed. R. Civ. P. 41(a)(1)(B);

14 5. The voluntary dismissal of Defendant's counterclaim shall not preclude  
15 Defendant from asserting any counterclaims, including the instant counterclaim, against  
16 Plaintiff under Washington's Anti-SLAPP statute or similar laws in other jurisdictions if  
17 Plaintiff re-files his claims in a different lawsuit.

18 Dated this \_7th\_ day of \_July\_, 2011.

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20 Marsha J. Pechman  
21 United States District Judge

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ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
cv-00002-MJP) - 3

Presented by:

MILLS MEYERS SWARTLING  
Attorneys for United Airlines

By: /s/ David W. Howenstine  
Caryn Geraghty Jorgensen  
WSBA No. 27514  
cjorgensen@mms-seattle.com  
David W. Howenstine  
WSBA No. 41216  
dhowenstine@mms-seattle.com

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## CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the within and foregoing document upon the following persons:

*Plaintiff Pro Se:*

Theodore Heinemann  
441 Houseman Ave NE, Apt. #2  
Grand Rapids, MI 49503

- ☒ Via first class mail, postage prepaid  
☐ Via facsimile to  
☐ Via Legal Messengers  
☒ E-mail desistohater@yahoo.com

Theodore Heinemann  
251 Lenora Avenue NW  
Grand Rapids, MI 49504

- ☒ Via first class mail, postage prepaid  
☐ Via facsimile to  
☐ Via Legal Messengers

DATED this 13th day of June 2011.

/s/Teresa A. Caceres  
Legal Assistant